

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 10-04285 (CGM)

UBS AG, UBS EUROPE SE (f/k/a UBS
(LUXEMBOURG) SA), UBS FUND SERVICES
(LUXEMBOURG) SA, UBS THIRD PARTY
MANAGEMENT COMPANY SA, ACCESS
INTERNATIONAL ADVISORS LLC, ACCESS
INTERNATIONAL ADVISORS LTD., ACCESS
MANAGEMENT LUXEMBOURG SA (f/k/a
ACCESS INTERNATIONAL ADVISORS
(LUXEMBOURG) SA) as represented by its
Liquidator MAÎTRE FERNAND ENTRINGER,
ACCESS PARTNERS SA as represented by its
Liquidator MAÎTRE FERNAND ENTRINGER,
PATRICK LITTAYE, CLAUDINE MAGON DE
LA VILLEHUCHET (a/k/a CLAUDINE DE LA
VILLEHUCHET) in her capacity as Executrix
under the Will of THIERRY MAGON DE LA
VILLEHUCHET (a/k/a RENE THIERRY DE LA
VILLEHUCHET), CLAUDINE MAGON DE LA
VILLEHUCHET (a/k/a CLAUDINE DE LA
VILLEHUCHET) individually as the sole
beneficiary under the Will of THIERRY MAGON

DE LA VILLEHUCHET (a/k/a RENE THIERRY DE LA VILLEHUCHET), PIERRE DELANDMETER, THEODORE DUMBAULD, LUXALPHA SICAV as represented by its Liquidators MAÎTRE ALAIN RUKAVINA and PAUL LAPLUME, MAÎTRE ALAIN RUKAVINA AND PAUL LAPLUME, in their capacities as liquidators and representatives of LUXALPHA SICAV, and GROUPEMENT FINANCIER LTD.,

Defendants.

FIFTH STIPULATION AND ORDER

Irving H. Picard, as trustee (the “**Trustee**”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff, and defendant Pierre Delandmeter (“Delandmeter,” and together with the Trustee, the “**Parties**”), by and through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on January 20, 2022, this Court entered a scheduling Stipulation and Order (ECF No. 272);

WHEREAS, on February 28, 2022, the Trustee filed a Second Amended Complaint (ECF No. 274);

WHEREAS, on April 22, 2022, Delandmeter filed a Motion to Dismiss the Second Amended Complaint (ECF No. 281) and noticed a hearing on the Motion for September 14, 2022 (ECF No. 279);

WHEREAS, on June 17, 2022 the Trustee filed a consolidated Opposition to Delandmeter’s Motion to Dismiss (ECF No. 307);

WHEREAS, on July 25, 2022, this Court entered a So Ordered Stipulation adjourning the date by which Delandmeter must file his reply brief to September 30, 2022 and the hearing date for his Motion to Dismiss to October 19, 2022 (ECF No. 310);

WHEREAS, on September 13, 2022, this Court entered a So Ordered Stipulation adjourning the date by which Delandmeter must file his reply brief to October 28, 2022 and the hearing date for his Motion to Dismiss to November 16, 2022 (ECF No. 320);

WHEREAS, on October 14, 2022, this Court entered a So Ordered Stipulation adjourning the date by which Delandmeter must file his reply brief to November 30, 2022 and the hearing date for his Motion to Dismiss to December 14, 2022 (ECF No. 327); and

WHEREAS, on November 14, 2022, this Court entered a So Ordered Stipulation adjourning the date by which Delandmeter must file his reply brief to January 6, 2023 and the hearing date for his Motion to Dismiss to January 18, 2023 (ECF No. 332).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel that:

1. The date by which Delandmeter's reply brief must be filed is adjourned to February 3, 2023.
2. The hearing on Delandmeter's Motion to Dismiss is adjourned from January 18, 2023 to February 15, 2023.
3. This Stipulation may be signed by respective counsel for the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

[Signatures on following page]

Dated: December 15, 2022
New York, New York

/s/ Oren J. Warshavsky

BAKER & HOSTETLER LLP

45 Rockefeller Plaza

New York, New York 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

Oren J. Warshavsky

Email: owarshavsky@bakerlaw.com

Geoffrey A. North

Email: gnorth@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*

/s/ Scott M. Berman

**FRIEDMAN, KAPLAN, SEILER &
ADELMAN LLP**

7 Times Square

New York, New York 10036

Telephone: (212) 833-1120

Facsimile: (212) 373-7920

Scott M. Berman

Email: sberman@fklaw.com

*Attorneys for Defendant Pierre
Delandmeter*

SO ORDERED.

**Dated: December 15, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**